

REMARKS

Claims 1-31 are pending in this application. Of these, claims 1, 15, and 28 are independent. Claims 1, 2, 5-8, 15, 16, 19-21, and 28 have been amended. Applicant requests favorable reconsideration in view of the following remarks.

Claim Rejections – 35 U.S.C. § 112

The examiner rejected claims 1-31 for failing to comply with the written description requirement. The examiner contends that “a plurality of tracked transactions made by plural users,” as recited by independent claims 1, 15, and 28, has no support in the specification.

Applicant disagrees. The specification describes examples of single-user scenarios, but these scenarios do not limit sequential use by plural users. On the contrary, the specification describes scenarios that pertain to multiple users over time. In this regard, the specification reads as follows:

Referring to FIG. 6, a user can initiate an event or transaction, e.g., request 132 an inquiry as to order status for an order being tracked in the database. A program would add 134 “information on order” to the database i.e., that someone asked about a specific product. (Pg. 7, lines 25-29)

The described mechanism stores information about a user request to a database, so that a plurality of such user requests made by plural users can be used to produce market research information. Nowhere in the specification is “a user” construed to mean a solitary user. As such, independent claims 1, 15, and 28 have adequate support in the specification, and claims 1-31 are patentable over the examiner’s rejection.

Claim Rejections - 35 U.S.C. § 103

The examiner rejected claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over Bennett (U.S. Patent 7,050,977) in view of Smith (U.S. Patent 6,853,982).

Claim 1 has been amended to clarify that the transactions are commercial transactions. Support for this amendment can be found in the specification in, e.g., page 8, lines 17-28. (“The program can also perform a sales transaction.”)

As amended, claim 1 is neither described nor suggested by a combination of Bennett and Smith.

The examiner stated

Regarding claim 1, BENNETT teaches a computer implemented method of conducting commerce ("e-commerce applications", column 8, lines 44-45), the method comprising:

receiving a transaction request from a user as text input ("outputs recognized speech text corresponding to the user's question", column 11, lines 14-15);

using natural programming language to analyze the text input to build a conversation with the user based on the transaction request ("natural language engine 190 facilitates structuring the query to database 188", column 11, lines 20-22);

conducting a transaction with the user based on the text input ("retrieves an appropriate answer", column 11, line 19);

generating a voice-synthesized response in accordance with the transaction through an avatar ("expressed as oral feedback by animated character agent 157", column 11, lines 25-26);

tracking the transaction by storing the transaction in the database ("noun phrases of the string are stored", column 25, line 7).

Bennett neither discloses nor suggests receiving a commercial transaction request from a user, as recited in amended claim 1. The subject matter in Bennett does not pertain to conducting a "commercial transaction." Rather, the passages quoted by the examiner are directed to transactions solely constituting answering questions and providing information. The passages are not directed to transactions constituting, for example, an exchange of goods and services, from which Bennett could track the commercial transaction ... and statistically analyze plural tracked commercial transactions to produce market research information, as generally called for by claim 1.

Rather, Bennett states:

As alluded to above, the present inventions allow a user to ask a question in a natural language such as English, French, German, Spanish, or Japanese at a client computing system...and receive an appropriate answer from a remote server also in his or her native language." (Col. 10, lines 29-35)

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Serial No. : 10/730,485
Filed : December 8, 2003
Page : 11 of 11

Attorney's Docket No.: 13151-0006001

Thus, Bennett only discloses informational question-and-answer transactions, and does not disclose commercial transactions. Nothing in Bennett discloses or suggests receiving a commercial transaction request from a user. Accordingly, claim 1 is allowable over Bennett in view of Smith.

Independent claims 15 and 28 are directed to similar subject matter as claim 1, and are patentable for analogous reasons as discussed above.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

No fees are due. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 13151-0006001.

Respectfully submitted,

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